

SENATE BILL No. 357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-26; IC 34-30-2-31.5.

Synopsis: Motor vehicle accident reports. Provides that certain reports pertaining to motor vehicle accidents are confidential for the first 60 days after filing with a public agency and may only be released to certain persons during that period. Provides that a person who discloses this confidential information commits a Class A misdemeanor. Provides that a person who obtains or attempts to obtain this confidential information when the person knows that the person is not entitled to receive the information commits a Class A misdemeanor.

Effective: July 1, 2005.

Waterman

January 11, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 357

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-69.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 69.2. "Free distribution newspaper", for purposes of**
4 **IC 9-26-4.5, has the meaning set forth in IC 6-2.5-5-31.**

5 SECTION 2. IC 9-13-2-82.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2005]: **Sec. 82.5. "Insurer", for purposes of IC 9-26-4.5, has the**
8 **meaning set forth in IC 9-26-4.5-3.**

9 SECTION 3. IC 9-13-2-111.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2005]: **Sec. 111.5. "Newspaper", for purposes**
12 **of IC 9-26-4.5, has the meaning set forth in IC 9-26-4.5-4.**

13 SECTION 4. IC 9-13-2-145.3 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2005]: **Sec. 145.3. "Qualified publication",**
16 **for purposes of IC 9-26-4.5, has the meaning set forth in**
17 **IC 9-26-4.5-5.**

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SECTION 5. IC 9-13-2-145.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 145.5. "Radio or television medium" for purposes of IC 9-26-4.5, has the meaning set forth in IC 9-26-4.5-6.**

SECTION 6. IC 9-26-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A report filed by a law enforcement officer under section 2 of this chapter is ~~not~~ a confidential record and shall be made available for inspection and copying ~~under IC 5-14-3~~ **only in the manner provided by IC 9-26-4.5.**

SECTION 7. IC 9-26-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 4.5. Release of Accident Reports

Sec. 1. As used in this chapter, "accident report" means a report or the information contained in a report of a motor vehicle accident that is forwarded to the state police department under:

- (1) IC 9-26-1-1(4);
- (2) IC 9-26-1-2(3);
- (3) IC 9-26-1-5;
- (4) IC 9-26-1-6(a);
- (5) IC 9-26-1-6(b); or
- (6) IC 9-26-2-2.

Sec. 2. As used in this chapter, "free distribution newspaper" has the meaning set forth in IC 6-2.5-5-31.

Sec. 3. As used in this chapter, "insurer" means:

- (1) an insurer;
- (2) an insurance support organization;
- (3) a self-insured entity; or
- (4) an agent, an employee, or a contractor of a person described in subdivision (1), (2), or (3).

Sec. 4. (a) As used in this chapter, "newspaper" means a newspaper that:

- (1) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (2) has been published for at least three (3) consecutive years in the same city or town;
- (3) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class; and
- (4) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not

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nominal.

(b) The term does not include a newspaper intended primarily for members of a particular profession or occupational group, a newspaper with the primary purpose of distributing advertising, or a newspaper with the primary purpose of publishing names and other identifying personal information concerning the parties to a motor vehicle accident or the owner of property that was damaged during a motor vehicle accident.

Sec. 5. As used in this chapter, "qualified publication" has the meaning set forth in IC 5-3-1-0.7.

Sec. 6. As used in this chapter, "radio or television medium" means a broadcasting station licensed by the Federal Communications Commission as a radio or television station.

Sec. 7. Except as provided in section 8 of this chapter, an accident report is confidential and may not be disclosed until sixty (60) days after the date of the accident.

Sec. 8. (a) An accident report may be disclosed less than sixty (60) days after the accident to the following:

- (1) A party involved in the motor vehicle accident or an owner of property that was damaged during the motor vehicle accident.
- (2) A legal representative of a person described in subdivision (1).
- (3) An insurer.
- (4) A prosecutorial agency.
- (5) A radio or television medium.
- (6) A newspaper.
- (7) A qualified publication.
- (8) A free distribution newspaper.
- (9) A state or federal agency authorized by another statute to:
 - (A) receive a copy of; or
 - (B) review;
 the accident report.

(b) If a state agency receives an accident report under subsection (a)(9), the agency may not disclose the accident report for a period of sixty (60) days after the date of the accident unless the state agency discloses the report in accordance with subsection (a).

Sec. 9. The state police department or any state agency that receives a copy of the report under section 8(a)(9) of this chapter shall require a person who requests an accident report under section 8 of this chapter to present proper credentials identifying

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the person as a person authorized to receive the accident report before the accident report is released to the person.

Sec. 10. An accident report may be disclosed to any person sixty (60) days after the date of the accident, notwithstanding any statutory provision to the contrary.

Sec. 11. (a) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency, except as provided by IC 4-15-10, who knowingly or intentionally discloses an accident report in violation of this chapter, commits a Class A misdemeanor.

(b) A public employee may be disciplined in accordance with the personnel policies of the agency by which the employee is employed if the employee intentionally, knowingly, or recklessly discloses or fails to protect an accident report in violation of this chapter.

Sec. 12. A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency who:

(1) unintentionally and unknowingly discloses:

(A) an accident report in violation of this chapter; or

(B) erroneous information;

in response to a request for an accident report under this chapter; or

(2) discloses an accident report in violation of this chapter in reliance on an advisory opinion by the public access counselor;

is immune from civil and criminal liability for the disclosure.

Sec. 13. A person who, knowing that the person is not entitled to an accident report classified as confidential under this chapter, obtains or attempts to obtain the accident report commits a Class A misdemeanor.

SECTION 8. IC 34-30-2-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 31.5. IC 9-26-4.5-12 (Concerning a public employee or officer of a contractor or subcontractor of a public agency for disclosure of confidential or erroneous information relating to a motor vehicle accident.)**

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